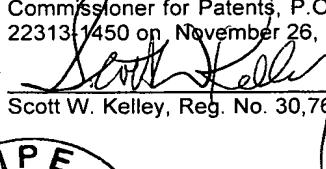


I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, addressed to MS: Missing Parts/Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 26, 2003.


Scott W. Kelley, Reg. No. 30,762

November 26, 2003
Date



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Sam M. Chaoui, et al.

Serial No. 10/616,892

Filed: July 9, 2003

For: AUTOMATIC BLOOD ANALYSIS
AND IDENTIFICATION SYSTEM

Group Art Unit: 1743

Examiner:

Docket No. PREDYN-43255

PETITION DUE TO INVENTOR'S REFUSAL TO
JOIN IN AN APPLICATION FOR PATENT
SUBMITTED PURSUANT TO 37 CFR § 1.47(a - b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

Pursuant to CFR § 1.47(a -b), Applicant submits this Petition, the required fee of \$130.00 as set forth in and the supporting Declaration of Julie L. Gutierrez, complying with § 1.68. Also submitted concurrently herewith is a Response to the Notice of Filing Missing Parts of Nonprovisional Application, dated October 6, 2003.

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The pertinent facts are as follows:

On May 9, 2003, Sam Chaoui, one of the named inventors in the present patent application, was laid-off as an employee from the assignee of the invention, Precision Dynamics Corporation ("PDC"). When Mr. Chaoui left PDC, the patent application was not complete, and the two other joint inventors, Mark Kotik and Walter Mosher, took control of the project. Thereafter, revisions were coordinated with outside counsel by both Mr. Kotik and Dr. Mosher to complete the present patent application. During this time, they made modifications, additions and contributions to the present application as now on file with the U.S. Patent and Trademark Office.

On October 7, 2003, PDC forwarded various documents to Sam Chaoui, a former employee of PDC, to his last known address of: 21647 High Bluff Road, Diamond Bar, California 91765. The documents which were sent for his review and signature and are listed as follows:

- (I) A copy of the present patent application (specification, claims and drawings) as filed with USPTO on July 9, 2003,
- (ii) a Declaration and Power of Attorney for patent application, and
- (iii) a patent Assignment document.

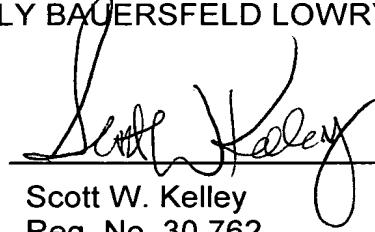
Mr. Chaoui contacted PDC on October 10, 2003, confirming receipt of the documents, and communicated that he would not be signing any documents. He contended that he should be the sole named inventor on the patent application.

We respectfully request that in this case, the whole interest in the invention or in the patent be issued to the assignee as provided in 37 CFR § 3.81 as the

pertinent facts have been submitted showing that PDC is entitled to such action in order preserve the rights of PDC and/or to prevent irreparable damage in accordance with 37 CFR § 1.47.

Respectfully submitted,

KELLY BAUERSFELD LOWRY & KELLEY, LLP

By: 

Scott W. Kelley
Reg. No. 30,762
Attorney for Applicant

SWK/maf
Enclosures

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